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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,645	10/08/2003	Jessica Kahn	18602-08111	8234
61520 7590 06/19/2008 APPLE/FENWICK SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041				
EXAMINER				
TRAN, TUYETLENN T				
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2179				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/682,645

**Applicant(s)**

KAHN, JESSICA

**Examiner**

TUYETLIEN T. TRAN

**Art Unit**

2179

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 11-26, 28-42, 44-49, 51-57, 59-64, 66-72 and 74 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 11-26, 28-42, 44-49, 51-57, 59-64, 66-72 and 74 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Final Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

#### **DETAILED ACTION**

1. This action is responsive to the following communication: Amendment filed 4/02/08. **This action is made final.**

2. Claims 1-4, 11-26, 28-42, 44-49, 51-57, 59-64, 66-72 and 74 are pending in the case. Claims 1, 46, 60 and 61 are independent claims.

#### **Claim Objections**

3. Applicant's amendment corrects the previous objections; therefore, the previous objections are withdrawn.

#### **Claim Rejections - 35 USC § 112**

4. Applicant's amendment corrects the previous rejections; therefore, the previous rejections are withdrawn.

#### **Claim Rejections - 35 USC § 103**

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, 11-23, 30, 34-42, 44-49, 51-57, 59-64, 66-72, 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lanier et al (Patent No US RE37,431 E; hereinafter Lanier) in view of Lehmeier et al (Patent No US 6981242 B2; hereinafter Lehmeier) further in view of Abbott et al (Pub. No. US 2003/0046401 A1; hereinafter Abbott).

**As to claims 1, 46 and 60, Lanier teaches:**

A computer-implemented user interface configuration method, system and product for providing customized information to a software application and to an operating system, the computer system including a plurality of application programs (e.g., see Figs. 1, 2), comprising:

a computer-readable medium; computer program code, encoded on the medium for (e.g., see col. 2 lines 46-57):

storing a plurality of application program markers, each application program marker associated with one of the plurality of application programs, and indicating a user interaction with the associated one of the application programs (e.g., see col. 3 lines 12-28 and lines 53-61, col. 4 lines 7-17; note that the user-directed events are activities associating with a plurality of different applications);

storing a plurality of operating system markers, each operating system marker indicating a user interaction with the operating system (e.g., see col. 3 lines 62-67 through col. 4 lines 1-6);

Lanier further teaches the monitor device keeps track of the number of times an activity has successfully been completed by a user (e.g., see col. 3 lines 53-61). Lanier teaches determining the skilled level with respect to the user interface of the software application and user interface of the operating system based on the historical information and user interaction with the underlying system (e.g., see col. 4 lines 18-23 and col. 11 lines 6-20). However, Lanier does not expressly teach assigning weights to each of the plurality of application program markers and each of the plurality of operating system markers; determining a weighted score as a function of a subset of the weighted operating system markers and a subset of the weighted application program marker; and determining a user proficiency level based upon the weighted score.

Lehmeier teaches a method and system in which various application interfaces are uniquely modified in response to the usage level and skills of a particular operator (e.g., see col. 2 lines 26-38). Lehmeier teaches assigning weights to a plurality of markers (e.g., see col. 7 lines 46-61); determining a weighted score as a function of a subset the markers (e.g., see col. 7 lines 46-61, col. 8 lines 5-21); determining a user proficiency level based upon the weighted score (e.g., see col. 8 lines 5-21).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the feature of determining the skilled level with respect to the user interface of the

software application and user interface of the operating system taught in Lanier to include the feature of determining the skilled level based on the weighted score as taught by Lehmeier to be able to determine a weighted score as a function of a subset of the weighted operating system markers and a subset of the weighted application program markers. One would be motivated to make such a combination is to generate a more user-friendly software application that fits the user's skill level (e.g., see Lehmeier col. 1 lines 40-50).

Lanier teaches automatically configuring and displaying help information of the user interface of the software application and of the user interface of the operating system responsive to the detected user proficiency level (e.g., see col. 4 lines 22-24 and Fig. 3B; note that help information display is a user interface component). However, Lanier does not expressly teach configuring at least one functional component of the user interface of the software application and at least one functional component of the user interface of the operating system responsive to the detected user proficiency level.

Lehmeier further teaches configuring at least one functional component of the user interface of the software application responsive to the detected user proficiency level (e.g., see col. 8 lines 22-40). Lehmeier teaches the customization system can be integrated with a plethora of software applications (e.g., see col. 14 lines 15-27). Therefore, it appears that Lehmeier teaches configuring at least one functional component of the user interface of the operating system responsive to the detected user proficiency level. Even if it does not, implementing the limitations of configuring at least one functional component of the user interface of the operating system responsive to the detected user proficiency level is disclosed by Abbott (e.g., see Figs. 2, 11, 12 and [0100], [0265]-[0279]). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the configuration feature as taught in Lanier and Lehmeier to include the feature of configuring at least one functional component of the user interface of the operating system responsive to the detected user proficiency level as taught by Abbott to achieve the claimed invention. One would be motivated to make such a combination is to allow the user to navigate through the user interface more quickly since the user is familiar with the user interface (e.g., see Abbott [0265]).

**In regard to claim 61**, claim 61 reflects the system used for performing the steps claimed in claim 1, and is rejected along the same rationale.

**As to claims 2, 47 and 62**, Lanier further teaches selecting at least one configuration option from a plurality of configuration options (i.e., see Fig. 3A).

**As to claims 3, 48 and 63**, Lehmeier further teaches at least one selected from the group consisting of: enabling access to a functional user interface element; disabling access to a user functional interface element; and changing an appearance of a functional user interface element (i.e., see col. 8 lines 29-40). Thus, combining Lanier, Lehmeier and Abbott would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

**As to claim 11**, Lanier further teaches outputting a notification of a change to user interface configuration (e.g., see Fig. 3A and col. 2 lines 4-11).

**As to claim 12**, Abbott teaches outputting a notification of at least one newly enable user interface feature (i.e., see [03215], [03217]). Thus, combining Lanier, Lehmeier and Abbott would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

**As to claims 13, 51 and 66**, Lanier further teaches wherein determining the user proficiency level and automatically configuring the user interface are performed responsive to a trigger event (e.g., see Fig. 6 and col. 4 lines 1-6).

**As to claim 14**, Lehmeier further teaches wherein the trigger event comprises user input requesting user interface configuration (e.g., see Fig. 4B). Thus, combining Lanier, Lehmeier and Abbott would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

**As to claim 15**, Lanier teaches wherein the trigger event comprises application startup (e.g., see col. 3 lines 53-67 through col. 4 lines 1-6).

**As to claim 16**, Lehmeier further teaches wherein the trigger event comprises system startup (i.e., see col. 4 lines 52-67 through col. 5 lines 1-16). Thus, combining Lanier, Lehmeier and Abbott would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

**As to claim 17**, Lanier teaches wherein the trigger event comprises a change in user behavior with respect to the user interface (e.g., see col. 3 lines 53-67 through col. 4 lines 1-6).

**As to claim 18**, Abbott teaches wherein the trigger event comprises user logon (e.g., see [3551], [3552], [3556]). Thus, combining Lanier, Lehmeier and Abbott would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

**As to claim 22**, Lanier further teaches detecting whether a user interface element has been used (e.g., see col. 3 lines 53-61).

**As to claims 42, 57 and 72**, Lanier further teaches retrieving a plurality of stored markers and aggregating the retrieved markers to derive a proficiency level (e.g., see col. 4 lines 18-23).

**As to claims 4, 49 and 64**, Lehmeier teaches providing a set of functions including:

- enabling access to a command/menu/button/shortcut (i.e., see Fig. 4B);
- disabling access to a command/menu/button/shortcut (i.e., see Fig. 4C);
- changing an appearance of a command/menu/button/shortcut (i.e., col. 8 lines 22-40). Thus, combining Lanier, Lehmeier and Abbott would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

**As to claims 19, 52 and 67**, Lehmeier teaches determining the user proficiency level and automatically configuring the user interface are performed periodically (e.g., see col. 14 lines 65-67 and steps 512-520 in Fig. 5). Thus, combining Lanier, Lehmeier and Abbott would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

**As to claims 20, 53 and 68**, Lehmeier further teaches reading a stored user proficiency level derived from at least one marker (i.e., see col. 7 lines 22-45 and col. 13 lines 22-31). Thus, combining Lanier, Lehmeier and Abbott would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

**As to claim 21**, Lanier further teaches wherein the marker indicates historical usage of the user interface (e.g., see col. 3 lines 62-67).

**As to claim 23**, Lehmeier further teaches detecting whether a user interface element has been used a number of times exceeding a predetermined threshold (i.e., see col. 7 lines 46-67). Thus, combining Lanier, Lehmeier and Abbott would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

**As to claim 30**, Lehmeier teaches determining a user-specified preference indicating a proficiency level (e.g., see col. 13 lines 22-45). Thus, combining Lanier, Lehmeier and Abbott would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

**As to claims 34, 54 and 69**, Lehmeier further teaches:

determining the user proficiency level comprises determining the user proficiency level with respect to a user interface component less than the entire user interface (e.g., see col. 7 lines 22-67); and

automatically configuring the at least one functional component of the user interface comprises automatically configuring the user interface component without altering the configuration of the remainder of the user interface (i.e., step 518 in Fig. 5 and Fig. 4C). Thus, combining Lanier, Lehmeier and Abbott would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

**As to claims 35, 55 and 70**, Lehmeier further teaches:

determining the user proficiency level comprises determining the user proficiency level with respect to an application (i.e., see step 504-506 in Fig. 5 and col. 13 lines 22-45); and



automatically configuring the at least one functional component of the user interface comprises automatically configuring the user interface for the application (i.e., steps 510 and 520 in Fig. 5). Thus, combining Lanier, Lehmeier and Abbott would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

**As to claims 36, 56 and 71,** Lehmeier further teaches:

responsive to user behavior with respect to the user interface, storing a marker indicating a user proficiency level (e.g., see steps 512-524 in Fig. 5);

and wherein determining the user proficiency level comprises reading the stored marker (i.e., steps 502-506 in Fig. 5 and col. 13 lines 22-45). Thus, combining Lanier, Lehmeier and Abbott would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

**As to claim 37,** Lanier further teaches storing the marker is performed by a first application (e.g., see item 320 as shown in Fig. 3A); and

reading the stored marker is performed by a background process (e.g., see item 340, 350 in Fig. 3A).

**As to claim 38,** Lanier further teaches:

storing the marker is performed by a first application (e.g., see item 320 as shown in Fig. 3A); and  
reading the stored marker is performed by a second application different from the first application (e.g., see item 340, 350 in Fig. 3A).

**As to claim 39,** Lehmeier further teaches:

storing the marker is performed by an operating system (e.g., see Fig. 1); and  
reading the stored marker is performed by the operating system (i.e., see Figs. 1, 2). Thus, combining Lanier, Lehmeier and Abbott would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

**As to claim 40**, Lanier further teaches automatically configuring the at least one functional component of the user interface comprises modifying functional user interface elements that are supplied to a plurality of applications (e.g., see col. 2 lines 1-11).

**As to claim 41**, Lehmeier further teaches:

storing the marker is performed by an operating system (e.g., col. 14 lines 28-50); and

reading the stored marker is performed by an application (e.g., col. 14 lines 28-50). Thus, combining Lanier, Lehmeier and Abbott would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

**As to claim 44**, Lehmeier teaches further comprising:

accepting user input overriding the user interface configuration and specifying a desired configuration (e.g., see col. 13 lines 22-45); and

responsive to the user input, configuring the user interface according to the desired configuration (e.g., see col. 13 lines 22-45). Thus, combining Lanier, Lehmeier and Abbott would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

**As to claims 45, 59 and 74**, Lehmeier further teaches:

detecting a user proficiency level with respect to a user interface of a web-resident application being run from a client machine (i.e., see steps 504-516 in Fig. 5 and col. 7 lines 46-67 and col. 3 lines 30-38); and

automatically configuring the at least one functional user interface element for the web-resident application (e.g., see steps 518-520 in Fig. 5 and col. 8 lines 23-40 and col. 3 lines 30-38). Thus, combining Lanier, Lehmeier and Abbott would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

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**7. Claims 25, 26, 28, 29 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lanier in view of Lehmeier further in view of Abbott and further in view of Morrison (Publication No. US 2003/0030668 A1, hereinafter simply referred to as Morrison).**

As to claim 25, Lanier, Lehmeier and Abbott teach the limitations of claim 1 for the same reasons as discussed above. Lanier, Lehmeier and Abbott do not teach determining how many applications are open concurrently. Morrison teaches wherein detecting the user proficiency level comprises determining how many applications are open concurrently (i.e., by reading the timestamp information of the cookies, a program can determine how many files are open concurrently; it is noted that files are displayed by an application either from the graphical user interface or from outside of the help system, see [0028]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the method of displaying a customized presentation of help files as taught by Morrison to the method and program for configuring the user interface as taught by Lanier, Lehmeier and Abbott to achieve the claimed invention. The motivation for the combination is to allow the user to customize his or her use of the help system and thus view information tailored to his/her needs (see Morrison [0018]).

As to claim 26, Morrison further teaches wherein detecting the user proficiency level comprises determining a historical average number of concurrently open applications (i.e., based on the timestamp information, a program can count how many applications are open concurrently at any period of time, see [0028]). Thus, combining Lanier, Lehmeier, Abbott and Morrison would meet the claimed limitation for the same reasons as discussed with respect to claim 25 above.

As to claim 28, this claim differs from claim 25 only in that claim 28 recites the limitation "windows" (it is noted that the help content is displayed within a browser window as shown in Fig. 3A) whereas claim 25 recites the limitation of "applications". Thus claim 28 is analyzed as previously discussed with respect to claim 25 above.

**As to claim 29**, this claim differs from claim 26 only in that claim 29 recites the limitation "windows" (it is noted that the help content is displayed within a browser window as shown in Fig. 3A) whereas claim 26 recites the limitation of "applications". Thus claim 29 is analyzed as previously discussed with respect to claim 26 above.

**As to claim 33**, Morrison further teaches determining historical usage of web pages having active content (e.g., by reading the data from the history file, a program can determine if the file is opened in the past, see [0028]). Thus, combining Lanier, Lehmeier, Abbott and Morrison would meet the claimed limitation for the same reasons as discussed with respect to claim 25 above.

**8. Claims 24, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lanier in view of Lehmeier further in view of Abbott and further in view of Aleksander et al (Patent No. US 7,080,321 B2, hereinafter simply referred to as Aleksander).**

**As to claim 24**, Lanier, Lehmeier and Abbott teach the limitations of claim 1 for the same reasons as discussed above. Lanier, Lehmeier and Abbott do not teach determining a total amount of time spent by a user using an application. Aleksander teaches wherein detecting the user proficiency level comprises detecting a total amount of time spent by a user using an application (i.e., the time a customer spends on particular web pages displayed by a browser application, see col. 2, lines 25-30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the method of determining the level of proficiency as taught by Aleksander to the method and program for configuring the user interface as taught by Lanier, Lehmeier and Abbott to achieve the claimed invention. The motivation for the combination is to prevent the customer from leaving the company web site by providing a user interface that the user may find it easy to navigate and to obtain the desired information for a product or service (see Aleksander col. 3, lines 35-37 and col. 1, lines 18-24).

**As to claim 31**, Aleksander further teaches wherein determining the user proficiency level comprises detecting web page visitation patterns (e.g., number of times that a customer returns to the web page, see col. 3, lines 21-25). Thus, combining Lanier, Lehmeier, Abbott and Aleksander would meet the claimed limitations for the same reasons as discussed with respect to claim 24 above.

**As to claim 32**, Aleksander further teaches determining historical usage of secure web pages (see col. 6, lines 50-62). Thus, combining Lanier, Lehmeier, Abbott and Aleksander would meet the claimed limitations for the same reasons as discussed with respect to claim 24 above.

#### **Response to Arguments**

9. Applicant's arguments filed on 04/02/2008 have been considered but are moot in new ground of rejection.

#### **Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any**

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**way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33,216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006,1009, 158 USPQ 275,277 (CCPA 1968)).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TuyetLien (Lien) T. Tran whose telephone number is 571-270-1033. The examiner can normally be reached on Mon-Friday: 7:30 - 5:00 (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TuyetLien T Tran/  
Examiner, Art Unit 2179

/Weilun Lo/  
Supervisory Patent Examiner, Art Unit 2179